

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1117

Introduced by Senator DeSaulnier

February 17, 2012

An act to add Section 14521.5 to the Government Code, and to add Section 185033.1 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1117, as amended, DeSaulnier. Statewide passenger rail transportation plan.

Existing law creates the California Transportation Commission, with various powers and duties relating to the programming and allocation of certain funds available for transportation capital improvement projects and various other transportation policy matters. Existing law creates the Department of Transportation with various powers and duties relating to the state highway system and other transportation modes, including the authority to contract for conventional rail passenger service. Existing law requires the department to prepare a 10-year State Rail Plan on a biennial basis. Existing law creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including preparation of a business plan on a biennial basis. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.

This bill would require the California Transportation Commission to prepare a statewide passenger rail transportation plan relative to conventional and high-speed intercity passenger rail, commuter rail,

and urban rail transit containing various elements. *The bill would require the Department of Transportation to assist the commission, as specified.* The bill would require the commission to adopt the plan by September 2014, and update the plan every 4 years thereafter. The bill would require the plan to contain goals for integrated passenger rail services and facilities, and to adopt policies and guidelines to be used by the department, the authority, and regional transportation agencies in the development of their plans, and would prohibit those agencies from taking inconsistent actions. The bill would require regional transportation planning agencies to submit their plans for commuter rail and urban rail transit to the commission by December 31, 2013.

This bill would also impose certain requirements on the High-Speed Rail Authority with regard to the high-speed rail element of the plan and implementation of projects on an incremental basis by the authority, including preparation of an incremental high-speed rail development program, as specified, by December 31, 2013, which would be incorporated into the authority's business plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14521.5 is added to the Government
2 Code, to read:
3 14521.5. (a) The commission shall prepare a statewide
4 passenger rail transportation plan, with the following elements:
5 (1) A statement of the goals for an integrated rail passenger
6 system consisting of high-speed intercity rail, conventional intercity
7 rail, commuter rail, and urban rail transit services and facilities.
8 (2) Identification of all of the following:
9 (A) Proposed investments in high-speed intercity rail and
10 conventional intercity rail services and facilities.
11 (B) Proposed investments in commuter rail and urban rail transit
12 services and facilities.
13 (C) Corridors in which new or enhanced improvements will be
14 made.
15 (D) A demonstration of the plan's consistency with the
16 requirements of Senate Bill 375 (Chapter 728 of the Statutes of
17 2008) and subsequent amendments.

1 (E) An assessment of transportation energy requirements for
2 high-speed intercity rail, conventional intercity rail, commuter rail,
3 and urban rail transit services.

4 (F) An assessment of the ability of passenger rail transportation
5 services to reduce regional and intercity highway congestion, and,
6 in the case of high-speed rail, an assessment of the ability of the
7 service to reduce intercity passenger airline travel and congestion.

8 (G) Identification of rail corridors and expected impediments
9 to their development, including the availability of rights-of-way
10 for tracks, stations, and maintenance facilities.

11 (b) In preparing the plan, the commission shall adopt policies
12 and guidelines for developing high-speed intercity rail,
13 conventional intercity rail, commuter rail, and urban rail transit
14 services and facilities, as follows:

15 (1) Performance goals related to passenger capacity, financial
16 capacity, and service performance, and frequency of passenger
17 rail services based on the estimated size of statewide, regional,
18 and local travel markets.

19 (2) Performance goals for connections between rail systems to
20 ensure convenience and to increase travel opportunities for
21 passengers connecting between various rail systems.

22 (3) Capital and operating revenue estimates for the development
23 of high-speed intercity rail, conventional intercity rail, commuter
24 rail, and urban rail transit services and facilities. The estimates
25 shall be for 5-, 10-, and 20-year time horizons.

26 *(c) The department shall be responsible for assisting the*
27 *commission in the preparation of the statewide passenger rail*
28 *transportation plan, including the preparation of draft policies*
29 *and the preparation of the draft plan consistent with this section*
30 *and the commission's policies. The department shall cooperate*
31 *with the commission in defining the scope of work and the schedule*
32 *for producing the plan.*

33 ~~(e)~~

34 (d) The policies and guidelines shall be developed in
35 consultation with the department, the High-Speed Rail Authority,
36 regional transportation planning agencies, and the agencies
37 administering or operating commuter rail and urban rail transit
38 systems.

39 ~~(d)~~

1 (e) The policies and guidelines shall be used by regional
2 transportation planning agencies when developing the rail mass
3 transportation element of their regional transportation plans. The
4 regional agencies shall not take actions that are inconsistent with
5 the policies and guidelines adopted by the commission.

6 ~~(e)~~

7 (f) The regional transportation planning agencies shall submit
8 their rail plans for commuter rail and urban rail transit to the
9 commission on or before December 31, 2013.

10 ~~(f)~~

11 (g) The policies and guidelines shall be used by the department
12 when preparing the conventional State Rail Plan pursuant to
13 Section 14036 and the High-Speed Rail Authority, or its successor,
14 when preparing the High-Speed Rail Business Plan pursuant to
15 Section 185033 of the Public Utilities Code. Neither the department
16 nor the authority shall take actions that are inconsistent with the
17 policies and guidelines adopted by the commission.

18 ~~(g)~~

19 (h) The commission shall incorporate statewide and regional
20 rail plans into the statewide passenger rail transportation plan
21 prepared pursuant to this section, provided the other plans are
22 consistent with the policies and guidelines adopted by the
23 commission.

24 ~~(h)~~

25 (i) The peer review group established pursuant to Section
26 185034 of the Public Utilities Code may be convened by the
27 commission to provide an independent review and comment on
28 the proposed policies and guidelines, and on issues encountered
29 during the preparation of the plan.

30 ~~(i)~~

31 (j) The commission shall submit a draft plan developed pursuant
32 to this section to the department, the High-Speed Rail Authority,
33 regional transportation planning agencies, and the Legislature on
34 or before April 30, 2014, for review and comment. The commission
35 shall hold at least two public workshops, with at least one workshop
36 in northern California and one in southern California, to secure
37 public comments on the draft plan.

38 ~~(j)~~

1 (k) The final plan shall be adopted at the September 2014
2 meeting of the commission and updated every four years thereafter.
3 The commission may extend the adoption date by up to 60 days.

4 SEC. 2. Section 185033.1 is added to the Public Utilities Code,
5 to read:

6 185033.1. (a) Consistent with Proposition 1A (2008) and the
7 policies and guidelines of the California Transportation
8 Commission relative to the high-speed intercity rail element of the
9 statewide passenger rail transportation plan adopted pursuant to
10 Section 14521.5 of the Government Code, the authority shall plan
11 for implementation of an incremental high-speed rail development
12 program with the following features:

13 (1) Investments in passenger rail projects in the Phase I
14 high-speed rail corridor (San Francisco Transbay Terminal-Los
15 Angeles Union Station-Anaheim) that benefit conventional intercity
16 and commuter rail services but that are compatible with being
17 upgraded to high-speed rail service in the future.

18 (2) Investments in operable segments in the Phase I high-speed
19 rail corridor that generate sufficient passenger revenue to be
20 attractive to private investors, that will be electrified, and that will
21 be converted to high-speed rail service in the future.

22 (3) Proposed upgrades to conventional intercity and commuter
23 rail segments that connect with Phase I projects and would enhance
24 the performance of future high-speed rail service, such as Anaheim
25 to San Diego and San Jose to Oakland and Sacramento.

26 (4) Maximization of state, local, federal, and private funds to
27 support intercity and commuter passenger rail development,
28 including high-speed rail.

29 (5) Projects that will create employment opportunities and meet
30 rail development goals.

31 (b) In developing the incremental high-speed rail development
32 program, the authority shall consult with the department, regional
33 transportation planning agencies, agencies administering or
34 operating commuter rail, freight railroads operating in the
35 conventional intercity and commuter rail corridors and in the Phase
36 I corridors, and firms that have experience in commercial
37 high-speed intercity rail operations.

38 (c) The authority shall identify one or more possible operating
39 segments in the Phase I corridor as a candidate for a public-private
40 partnership. This shall be done in cooperation with a regional rail

1 agency and a private rail development consortium. The selected
2 segment shall have substantial existing intercity or commuter rail
3 ridership. There shall be a competitive procurement process
4 consistent with the existing procurement authority of the authority
5 to select the consortium. In pursuing a public-private partnership,
6 the authority shall minimize the capital and operating risks to the
7 state.
8 (d) The authority shall submit a draft of its incremental
9 development program to the California Transportation Commission
10 and the Legislature on or before December 31, 2013. The program
11 shall subsequently be incorporated into the authority's business
12 plan prepared pursuant to Section 185033.